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# Public Interest Law Program Wins Reprieve

By DANA M. COLE

This year's Spring semester showdown involving administrators, faculty and students centers on the establishment of a public interest law program at Hastings.

The issue came to a boil last Friday, April 6th, when the faculty refused to close the door on what some sensed would be the final chapter in the attempt to initiate such a program here.

The debate began to simmer last October when it was announced in the newspapers that San Francisco's deputy district attorney in charge of consumer fraud and white collar crime, Ray Bonner, was appointed by Dean Anderson to direct a new Public Interest Law Program here.

An enraged faculty protested the decision as being made without their advice and consent.

## 'Silent Vigil'

At that time, Professor Leo Kanowitz circulated a memo to the faculty, stating, "The faculty had no opportunity...to participate in decisions that so vitally affect the College's educational mission." The memo went on to argue why the establishment of such a program would jeopardize the educational integrity of the school.

Then, at the April 6th faculty meeting, 100 to 200 students, reporters, television crews and representatives from various community groups jammed the hallways while students maintained a "silent vigil" to demonstrate their desire to establish a public interest law program.

Inside the meeting, the faculty adopted a motion to re-evaluate the entire issue and form a new committee to study a detailed plan submitted by the Public Interest Law Association (PILA).

the student group pushing the program.

The faculty resolution—approved overwhelmingly by those present—was proposed by Professor Joseph Grodin. His last minute motion served as a substitute to a Curriculum Committee report that opposed the establishment of a highly structured public interest law program, but did recommend three new course offerings and the revival of a fourth course.

The latter recommendations, however, won faculty approval.

## "Fresh look" at program

"The faculty rejected the negative parts of the Curriculum Committee's report," Professor Grodin said, "in favor of taking a fresh look at this thing."

Grodin said adoption of this report "in toto" could have been interpreted as closing the door on something the majority of the faculty wished to remain open.

This new ad hoc committee will number not more than five members and will likely include a student representative, according to Academic Affairs Dean James Crawford.

Dean Crawford added that appointments to the committee will be made prior to the faculty's next meeting in May. The faculty must approve the members nominated to the committee.

And, according to the ironic wording of Professor Grodin's motion, the new committee should undertake their study "with all deliberate speed," a legal expression made famous in the opinion of *Brown v. Bd. of Education*.

"It simply means we didn't want to see the study put on ice," Grodin said.

## Positive Moral Climate

PILA member John Lande, a second



PILA member John Lande takes a break

year student who addressed the faculty meeting, praised the silent vigil and attributed the renewed faculty interest, at least partially, to the impressive show of student support.

"The vigil created a positive moral climate because it was peaceful and students showed they were serious and feel a responsibility for high quality education," Lande said.

Professor Kanowitz, who strongly opposes an established public interest program here (see below), nevertheless, favored the faculty resolution.

He said, "I'm always in favor of continuing to look at the problem. The (PILA) report is more thoughtful than the one Bonner put together," which he called vague.

Kanowitz also favors the addition of more courses in this area and especially the expansion of a clinical program "that could serve the needs of poor people."

"The direction the faculty took was a good one," he said.

But, he cautioned, having more courses and an expanded clinic "is separate from whether we should have a public interest program."

## Course offerings fall short

The three new widely publicized course offerings approved by the faculty include: Representation of under-represented persons; Landlord-tenant law; and Negotiation, settlement, interviewing and counseling. The revived course is Sex Roles, which was taught by Professor Kanowitz.

According to PILA literature, these courses "fall far short of even our modest proposal, which is more limited than what the Dean wanted in 1977."

The proposed Public Interest Law Program contained in a report published by PILA and distributed to the faculty provided the basis for the faculty to take a new look at the entire matter.

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## LAW REVUE

## THIS THURSDAY:

# ON WITH THE SHOW!



John Battey, Bob Julian and Peter Nelson

Reprinted with permission from Sunday's Pink Section

The Greatest Show on Earth—well at least here in the Tenderloin—will return Thursday afternoon, April 19th, as the annual Hastings Law Revue takes center stage in the commons.

First year students unfamiliar with this Hastings tradition may find it somewhat shocking as this normally staid, venerable institution transforms into a sea of talent and insanity.

Student directors Jon Battey, Bill Cavalier and Peter Nelson promise a shorter program than last year's. The show will be pared down to 10 acts only, without any sacrifice in talent.

## Carter and beer

The Law News recently lunched with Promotional Director Cavalier in the posh Hastings commons. We had no difficulty finding him in the crowded room. Cavalier wore a bright green La Coste shirt and yellow ascot. He brought his own director's chair to sit in with "Bill III" emblazoned in gold letters on

the back.

During our interview, one first year student requested an autograph.

We asked Cavalier about this year's show.

For instance, will Bob Julian return as President Jimmy Carter this year?

"Of course," he said, "and there will be plenty of free beer and wine."

Well then, what about a command performance from the Hastings Rugby Club; those base, degrading, chauvinistic jocks whom are always eager to help distressed first year women with their Legal Writing & Research assignments.

"For sure, they'll be there," Cavalier said, adding, "don't forget to tell 'em about the free beer and wine."

## Quashing Rumors

Compelled to quiet the rampant rumors around campus, we pressed on, asking if "Name that Case"—a long established third year skit—will be replaced with "I Can Impeach that Witness in Three Questions."

"Naw," Cavalier said, "We canned

them both. And speaking of cans, I want to stress the fact there will be free beer and wine."

Undaunted, we asked if the faculty will revive the ever popular tune, "The Common Law of Texas...is still a mystery?"

"Well, at this point faculty participation is questionable. They were going to vote on it at the next Faculty meeting. But, did you know that Lowenbrau is brewed in Texas?"

Anything else Bill?

"The music will be performed by Hastings' very own 'Learned Band,' featuring Tom Stewart, Larry Isser, Jordan Breslow, Tom Banducci and Greg Chanley," he said.

Cavalier then rushed off to arrange publicity shots for a dancing bear.

The particulars: Music begins at 3:30 pm, with curtain call promptly at 4:00 pm. Admission is \$1. Smoking is prohibited.

And, before we forget, there will be free beer and wine.

—Dana M. Cole

## This is It!

Today's Hastings Law News will be the last—at least for this semester.

Do not despair, however. I am informed via a reliable source, who, unfortunately, satisfied only one prong of the Agilar/Spinelli test, that a small group of students will perpetuate this journalistic legacy next semester. I wish them much success in their undertaking.

The Law News published seven times since August of last year. Hopefully our successors will improve upon that record. Greater participation by students, faculty and administrators will help in publishing more regularly.

I am happy to report this semester's Law News published without pressure or interference from any group or entity, thus reaffirming that an unrestrained, uncensored press ensures wide-open discussion and a better informed Hastings community.

Finally, sincerest thanks to all who contributed time and energy to The Law News. Their services and articles were greatly appreciated.

I cannot depart, though, without a brief bit of advice—Don't strive for objectivity, just be fair to all sides.

Have a pleasant summer.

—Ed.



# Statements of Presidential Candidates



Upon reflection and with great enthusiasm, I have decided to offer myself for the position of President of the Associated Students of Hastings.

If elected, I will strive to create and maintain an esprit de corp and a camaraderie among all Hastings students through the development and promotion of spectacular events—events which will leave among all students, warm, friendly, and lasting memories of the Hastings experience.

Although the office of President has been largely ceremonial in nature, it would seem that if one were to take an activist approach, much more could be accomplished to make the Hastings experience more pleasant and more comfortable. Aside from fall and spring spectaculars (and I guarantee better music than has ever been selected before), the President should innovate and respond to those reasonable requests which frequently call for fast action during the school year. For example, how many people wanted to watch the World Series on wide-screen this past fall? Hundreds did! And nothing was done. How many people would have liked organized ski-trips this past winter? Almost as many as wanted wide-screen for the World Series! And nothing was done. How many people have suggested simple, inexpensive improvements to the Commons (e.g. a few plants, tablecloths, flowers etc.) to make it more liveable? Many people. And nothing has been done.

For better or worse, most of us will be running into each other many times in the years ahead. Let's work together now to build the kinds of relationships and foundations that will provide positive bridges to the future, and fond memories of the past.

As a second year student next year who cares, I believe that I have the interest, dedication, and enthusiasm to lead the way.

Carol L. Barrett  
April 8, 1979



Dear friends,

Condensing a candidate's statement into a mere 100 words, as required by the election committee for their publication, severely restricts one's ability to reveal much about why he should be elected president. That is why I'm grateful for the chance to expound a bit on my platform and ideas on the pages of the Law News.

If there is one thing at Hastings that gets a lot of attention from students, it is not their student government. Nor do people expect much from ASH. Yet it is certainly reasonable for students to expect well-run government operations of the book exchange, newspaper, faculty evaluation, and dissemination of information about what's happening. Beyond these, with the effort, there are other projects for the govern-

ment which can liven up life in Law School. We ought to revive the Student Services committee with some new ideas for special events, and the committee should establish a speakers program. (Rest assured that next October 10 we'll again celebrate Agnew Resignation Day.)

On the book exchange—forget about the strips of masking tape. There's no reason we can't use and improve the card system employed at the beginning of this semester. We also need adequate hours of operation for people who switch classes. The length of time between the sale of the books and the issuance of the checks can be cut drastically.

Law News—regular publication of the newspaper is a top priority. As president, I will also write a regular column to keep students informed about developments in ASH and at school.

PACE—A comprehensive evaluation with new questions and coverage of all the professors will enable students to better select their classes. This year I played a part in insuring publication in time for spring registration and in providing a framework for future editions.

Special Events—Possibilities include trips to Alcatraz, Monterey, the street-car museum, Roaring Camp and Big Trees Narrow Gauge Railroad, as well as films at school and my pet project, a speakers program that will bring prominent figures to school.

All these matters should be fully planned during the summer before school—before the crush of work overwhelms ASH members and limits the time they have to devote to the government.

The president should support the LEOP and Public Interest Programs and be available to listen to new ideas and to any complaints. He/She should, for example, encourage professors to write more comments on exams and to provide sample answers.

In brief, I am advocating an active ASH. I believe I have demonstrated my commitment to life outside the classroom through participation in several activities, I have served in ASH and on the famous Budget Committee, I've written a regular column for the Law News, I've served on the student admissions committee, and have helped the Public Interest Law Association.

As president, I intend to work for the objectives I've mentioned and to add a little color to what is often a rather drab and humorless place. With your help there can be more to Hastings than the ipso fatso (facto). Please vote for Allen R. King for president. Thank you.

## Write-in

I am Eric Liberman, running as an alternative candidate for the ASH presidency. I felt that the other candidates runnign would not be representative of the student body's interests, which is why I have, along with supporters, initiated my write-in candidacy.

I strongly support the preservation of the LEO Program and continuing the ASH tutorials. I feel a strong commitment to the Hastings Child Care Center.

Further I would like to see a stronger commitment to Public Interest Law along with increased hiring of women in key faculty and administrative positions.

If you are concerned about all of Hastings' student body interests being represented write in my name—Eric Liberman—for president.

## Letters

Dear Editor:

Professor Henn's corporations class is one of the few courses offered at Hastings where one is not constantly tempted to phone the National Observatory to inquire whether the classroom clock has been disconnected from the universe or if time really has slowed down. And this non-boredom is certainly not due to the subject matter! It is due, however, to Professor Henn's appealing lecture style which might be termed jocular eruditeness.

In the course of presenting some of the humorous materials with which he often brackets case discussions, Professor Henn had the misfortune to read a long rhyming poem that dealt with various aspects of corporations. The final line included the pun "stocks and blondes." This prompted a letter published in the March 8th edition of this paper which objected to the pun by making an unwarranted personal attack upon Professor Henn. It is a shame and disgrace to the entire Hastings

community that a distinguished, visiting professor must see himself described as a "round visitor from the east," in the student newspaper.

This over-reaction is particularly ironic when one considers that Professor Henn takes great pains to use language that refers to both males and females rather than the "he" form which still dominates the conversation of the most enlightened individuals of both sexes. In addition, Professor Henn divorced himself from the pun in question by groaning appropriately when he read it. The poem was not written by Professor Henn and viewed in context, it was found amusing by a majority of the class for its verbal acrobatics on the thematic trampoline of corporations.

It is obvious that the student who felt compelled to insult Professor Henn over this matter is in reality, that legendary torts character—the person with an eggshell sense of humor.

—Malcolm Kushner

## The Hastings Connection

Representatives of Hastings student organizations are taking the first big steps in uniting the culturally and politically diverse Hastings student population. The Hastings Connection is a confederation of student associations whose purpose is to address common needs of the various organizations and, especially, to increase and improve communication and cooperation between these groups.

Delegates to the Hastings Connection meetings, which are open to all, have expressed great excitement over the potential benefits for all cooperating groups and interested individuals. To improve inter-group communication, an accurate list of contact persons for each group is being assembled and all groups are invited to submit one or two names to the Hastings Connection mailbox in the typing room.

A large wall calendar will soon be

located on a wall next to the library. Active use of this common calendar should result in better scheduling coordination and added publicity for student activities.

Co-sponsorship of important student events is already increasing and should yield better turnouts and a growing pool of information and ideas. This sharing of tactics and approaches to various problems, such as the fight over admissions standards and the push for a public interest program, has already proved useful. Students in one group are becoming interested in the needs and activities of the other group.

This friendly interest can mature into a broad, united Hastings student community, where diverse elements will be ready and willing to stand up for each other and to reap the benefits of such unity.

—Rob Postar John Lande

## Lt. Governor Curb to speak at Hastings

Lieutenant Governor Mike Curb will speak at Hastings on April 18, 1979 at 3:30 in Room A. Curb, who was elected Lieutenant Governor last November, also holds the position of Republican National Committeeman from California.

Number 2 in the state recently made headlines when he nominated a Republican trial court judge to the state Court of Appeal without the consent of the ever-absent Gov. Brown. The latter quickly withdrew Curb's nomination to appoint one of his own choices.

Curb, the successful company head of Warner/Curb records, has been responsible for recording hits by Donny & Marie Osmond, Debbie Boone, Shawn Cassidy and other well-known rock artists. At the age of 20, he wrote the popular song "You Meet the Nicest People on a Honda."

Curb's one hour speaking appearance is sponsored by the Hastings Republicans. All members of the administration, faculty and student body are invited.

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# PROCEDURE VERSUS FEAR

By MICHAEL JENEID

Procedure takes no account of fear. It's an adult transaction vectored on personal gain, secure in unchanging conditions only. It doesn't know of the plunge the stock will take tomorrow, nor that a madman may try to take your life. It doesn't know the volume of water in the next downpour, nor measure the angle of a cliff in relationship to that moment when you run out of strength while climbing it. Procedure can't increase your span of tolerance to anything, only you can do that. It's a bear trap for those who won't acknowledge that changing conditions around them, especially the changes generated by their fear, can make nonsense of it.

Procedure is wisely used in the wilderness. (Thoreau comments... "It is a characteristic of wisdom not to do desperate things.") And procedure is the antithesis of desperation.

Living in snow conditions, climbing the rock-face, kayaking in white water, all these call for strict procedures. So this kind of empiric, uses procedure if only to approach an experiment. In fact, since with the activities listed one's life can be at stake, procedure becomes vitally important. Of course, theoretically, if you keep to an acknowledged procedure you'll be taking the right steps in a course of action promising a favorable conclusion. But what happens to you, businessman or lawyer, physician or explorer, if you are frightened off your course of action?

To proceed means to go forward; thus procedure leads you precisely into a course of action. It's based on established forms taking you step by step

towards your intention. Into the statement of any procedure goes information collected through observation of many circumstances relating to the single item of interest: a goal. The theoretical content of procedure is knowledge systematically compiled and in-

but in practice it is not. The flaw is in the matter of emotions. The instant it is used by us, procedure is contaminated by our vulnerability. Not only this, with use it is self-consuming though often not obviously so. Someone in need of its favour may pursue it long after

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**There is of course no procedure at that moment in a kayak when a volume of water takes your attempts at control away from you.**

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terpreted, after contemplation, in relation to that goal. One special thing to note here is that the theory of procedure takes time to be processed. Once it is established and ready for use it is by definition inflexible; not least because it is governed by unemotional data. In theory then, if in your performance you stick to well established forms, *your procedure will be taking you towards a favorable conclusion.*

Nonsense. There is of course no procedure at that moment in a kayak when a volume of water takes your attempts at control away from you. You must sit it out and take whatever steps are best for you when the opportunity to do so is returned to you. You can't call that a procedure; that is the use of organismic intelligence. You endeavor to remain alert and try to maintain your willingness to resume control.

It is mistakenly thought that because procedure doesn't involve emotions it is flawless. In theory this should be so.

its efficacy has passed.

While attempting to follow procedure you often find yourself losing out and there is an immediate reaction. If you are not very adult you throw away what there is of your adult self. You then try to lean on parental direction, and if that fails you flee quickly into the idiosyncratic shelter of your childish self. The fear of failure then is represented by anger, withdrawal or complaint. In a child these would be seen as a temper tantrum, sulking or whining.

And so we return from our adventures having been faced with reality, and each time we find ourselves wanting, we realize how easily we mess up the simplest procedure when we most need it...under stress. The crux of the matter is always this: What do we do when procedure fails us?

Whether you are inside four walls or outside in the wilderness, when the procedure upon which you are relying

breaks down an element of fear surfaces. Fear disorients you. It is demoralizing. You become inco-ordinate when you most need co-ordination. You become incoherent when you most need to express yourself clearly. You become indecisive. You yell for a procedure to cancel your distress when what you need is to recognize fresh information about yourself and to operate with courage while you re-assess your situation.

You have first to deal with your fear: to recognize and acknowledge it. Fear generates enormous energy which then harnessed can be made to work for you instead of against you. But the most debilitating thing for any of us in our emergencies is doubt in our own ability. The question each one of us needs desperately to be able to answer is this: how will I behave when I'm about to be knocked down by a bout of failure?

Because adventure involves stress which is sometimes hard to deal with, and more so for some than for others, I have culled the essence of an argument warning against the *misconception that a procedure protects you under all circumstances.* Procedure is manipulable, it is suitably designed as a tort for the rationalist. But it breaks down quite easily, and often inconveniently, because it takes no account of human fear. Leonardo da Vinci warned us long ago of our misfortune when we allow theory to outstrip performance. Surely this means you cannot re-write procedure during a performance. That last statement may well be precisely what adventure is all about: our ability to function well under stress, without a procedure to prop us up.

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## American judiciary 'out of control'

By JOHN GIRAUDO

I began the study of constitutional law with an open mind. Although, I was reared in the Warren Court era, and sympathetic to many of the reforms wrought by that Court, I nevertheless felt an intellectual obligation to make a dispassionate assessment of the work of the American Supreme Court. Now as the academic year ends, I have reached a conclusion. The American judiciary is out of control.

I always had an uneasy feeling about the enormous political power of the American Courts, but it was not until midway through my constitutional law course that I became convinced that this power was potentially dangerous—to me. Case after case I read reflected a shockingly cavalier attitude to the historical conception of the judicial function. Where English Courts had been (and still are) only entitled to apply law, American Courts abrogated to themselves the power not only to veto statutes, (*Marbury v. Madison*), but to substitute in the place of legislation their own affirmative rules, (*Roe v. Wade*), to administer those rules (*Doe v. Bolton*), and to equate them with supreme law (*Cooper v. Aaron*). I thus came to realize the truth of Archibald Cox's observation that no judiciary ever, anywhere, has had such power and influence as the American one.

How did this situation arise? The roots of judicial power are found in the case of *Marbury v. Madison*. In that decision C.J. Marshall empowered American judges to void legislative enactments which judges felt conflicted with the provisions of the Constitution. Thus, American judges received the power to have the last word on any issue capable of judicial review. (Absent the extremely difficult procedure of constitutional amendment.) However,

this capacity for judicial review did not, in and of itself, authorize American Courts to rule definitively on every possible social dispute imaginable, but it did not preclude such a possibility. Since it did not, the historical development of Marshall's theory, primarily

the notion of judicial deference to the legislative will (if it ever existed) is an anachronism. More worrisome still are the implications attendant to this fact. What will we do when we are confronted with a Court composed of nine Rehnquists or of nine Douglas's? Arbi-

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**Judges everywhere in the United States are able to interpolate personal, highly subjective views and values into their decisions, and because of Marshall's theory—to make those views nearly irrevocable.**

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this century and most noticeably since the Second World War, has given the American judiciary power to decide an enormous number of disputes—disputes which in other nations are beyond the purview of the courts. Moreover, since the vague constitutional clauses of "due process" and "equal protection" have been interpreted by the Supreme Court to mean—essentially "fairness", judges everywhere in the United States are able to interpolate personal, highly subjective views and values into their decisions, and because of Marshall's theory—to make those views nearly irrevocable. No civilized nation with which I am familiar allows its judges such vast discretion and power.

The elevation of so-called "strict constructionists" to the U.S. Supreme Court has not ameliorated the problem. There is ample evidence that these new judges do not have a modest view of their role. They have not been restrained in exercising judicial power to void laws which offend their (perhaps conservative) policy preferences. Thus

trary political power plays no favorites.

Men and women who don black robes cannot resist the temptation to use the power given them by *Marbury v. Madison*. By the same token they cannot be relied on always to use it wisely. A cursory glance at the history of the Supreme Court indicates this is so. Unfortunately the Court is not immune from making obnoxious judgments, and there is no guarantee it will avoid making them in the future. Indeed, as if to underscore this fact, one need only read the recent decision of *Buckley v. Vallejo* which castrated the campaign reform laws enacted after Watergate, or the seemingly innocuous decisions which made a situation like *Skokie* not only possible but inevitable.

Yes—a dispassionate reading of constitutional law suggests to me that the Courts are out of control. And that this intolerable situation has arisen because of the failure of the doctrine announced in *Marbury v. Madison*. American constitutional theory has sought over the last one hundred and sixty years to have both majority rule and

minority rule simultaneously. It has not succeeded largely because logical contradictions are irreconcilable. Being unwilling to trust the majority with the protection of minority rights America has come perilously close to permanent minority rule—by judges.

I submit we cannot have it both ways. If American society wishes to allow judges to have the last word it must be prepared to put up with nearly absolute decisions which might not only be disagreeable but perhaps even dangerous to American liberty. It must accept the fact that although it calls itself democratic it has countenanced one institution—namely the courts—to wield leviathan like undemocratic power. And ultimately, it must recognize that (as one wag put it) "In the American system a victory at the polls remains a victory only so long as it is not disapproved of by the courts—a function performed in some other political systems by the military." Of course, this is not to say that American Courts have not done very desirable things on occasion, rather it is to say that this fact alone does not detract from the realization that even benevolent oligarchs are oligarchs nonetheless.

After some reflection, I have decided that the answer to the problem is to eliminate the political power which the American Supreme Court now possesses. On the Federal level the impending Constitutional Convention would better serve the nation by adopting a constitutional amendment reversing *Marbury v. Madison* than by curtailing the government's power to design economic policy. In California, although we cannot prevent an appeal to the California Supreme Court on Federal Constitutional grounds, we can expunge the doctrine of *Marbury v. Ma-*

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# CHILD CARE CENTER NEWS

By JANET GRAY-SUTHERLAND

There's good news and bad news at the Hastings Child Care Center.

The bad news first. Director Lyda Beardsley and pre-school teacher Bruce Riordan have resigned their positions at the Center. Beardsley has taken a new position, developing curriculum at UC Berkeley's Child Care Centers, and Riordan is changing careers. The Center, its parents and children, will miss Riordan's creativity and imagination with the children, as well as his annual appearance as emcee at the Center's Fund Raising Halloween Party. Further, the dedication and perseverance of Beardsley to administrate the ever-changing, ever-strengthening Center will not be soon forgotten.

Fortunately the good news is more abundant. The position left open by Beardsley was assumed by Diane Ryken, who has served as a pre-school teacher at the Center for three and a half years. Ryken holds a degree in psy-



chology from U.C. Davis. One of her many contributions to the Center has been the development of an evaluation process.

This process is designed to evaluate the child's development within the program itself, which in turn evaluates teaching skills. Her method was introduced at a conference last spring and then offered by the California State

Department of Education as an example for developing child evaluations at other centers throughout the state.

Her success is indicative of the innovative child care that the Center provides. For example, the Center has educational field trips for many of the children on a weekly basis to parks and museums in San Francisco, Berkeley



and Oakland. In addition, the curriculum includes art, music, physical development, and short daily lessons on shapes, colors, numerals and letters, depending on the age of the child. Daily outings, and the exploration and discussion of "how the world around us works" are considered an important part of the program. At the Center, kids learn how to be a contributing member of a group, as well as developing their own special skills and interests.

Because of the Center's outstanding reputation for high-quality child care and the fact that it is one of only three programs in the Bay Area that offer infant care, it was awarded an increase in its subsidy from the State of California last year. Having competed with day care centers throughout the state for the limited funds, the child care center was able to expand their free or low-cost services to Hasting's student families.

The state now gives a cash subsidy sufficient to fund three-fourths of the

Center's costs for 19 children. The expectation is that the state will maintain its present level of funding for next year, but change the terms of its funding. The change most likely will be to fund 100 percent of the Center's costs—instead of three-fourths—for 16, rather than the present 19 children. So, in order to prevent enrollment cutbacks

of children from low-income families, the Center will once again request a portion of student incidental fees from Hastings to subsidize the remaining three students.

Center Director Ryken said the incidental fee request would be the same as last year's request—\$4 from each law student or a total of \$6,000.

Other sources of funding to bring the Center's enrollment up to 30 children will include; the Tony Patino, Jr. Endowment Fund, fund-raising drives and full cost parent fees, for those families that can afford to pay.

With school ending and people graduating there are openings for summer child care effective in June. Also, now is the time to make reservations for next fall.

The 30 children who attend the Center on a regular basis are divided into three classrooms: infant, toddler and preschool. The Center is open 10 hours a day, from 7:30 a.m.-5:30 p.m. There are two trained, qualified teachers plus two part time aides in each room



during the course of a day to provide the best of care and enable a developmental curriculum.

The most recent additions to the staff are John Nishimoto and Laura Chinn, who are the teachers in the pre-school room. Nishimoto has a strong background in recreational work, Chinn holds a teacher's credential, has taught in inner-city alternative teaching programs and did student teaching in England. Serving as aides in the pre-school room are Cheryl Cox and Tom Brower, who is also new to the program.

In the infant room are Luce Sandoval, an infant specialist from France, and Sheila Signer, an accomplished musician with a Master's degree in education, Lisa Galblum and Dianne Monnette are the experienced aides in this room.

Bonnie Weiss, who previously worked for the San Francisco Infant School, and Jenny Maida, an experienced teacher with Hastings Child Care Center, are the toddler room teachers. Skilled assistance is provided by Lois Moore and Felicia Smith, as morning and afternoon aides.

The Center is located at the garden level of 270 McAllister St. For further information call 863-0811.

## In the Belly of a Paper Tiger

By BILL VELA

So you wanna be a lawyer, huh, kid? Well, yeah, I guess that's what I'm doing in law school—learning to be a lawyer, right? Wrong!

For myself and many of my colleagues law school is an awakening landslide as well as a taker of life. Law school anchors one to those textbooks away from the currents of life; newness and discovery is replaced by legal precedents; experience is replaced by memorization and innocence replaced by: "Ya wanna make a buck?" The fee is, and hey, I'm a lawyer, I'm not a common Joe or Josephine down the street you know, I'm a lawyer."(sic)

The indoctrination process begins or reaffirms itself at Hastings and, slowly, "distinctions" that many of us haven't seen in people or even in loved ones around us flourish, our thoughts search for "distinctions." This is only a single example of how law school affects us. All of us should be conscious of the fact that law school is not only a training ground where law students learn the skills to become lawyers. It is also an indoctrination center, where the word "professional" somehow gets interpreted to mean "objective" and the words "morals" or "responsibility" get left behind at colleges' sociology class.

Folks, the cry of responsibility from mother earth still beckons and we, by hard work and luck, can possibly be in

positions of affecting policy decisions for our communities. We, if we choose to, can join the battle for the preservation of open space for ourselves and children as opposed to helping developers justify their assaults on our quality of life; which only make a few rich (developer and friends) at the expense of all of us.

The battle against nuclear energy, another paramount issue—why do we have to wait for a "melt down"?—needs our energy and skills to stop the Pentagon and its corporate companions from controlling our lives and pushing us closer to the brink of nuclear annihilation. STOP TRIDENT!

Women and minorities are still being discriminated against in the job market or getting paid less for doing the same exact job many times even better. The area of Labor Law also needs lawyers committed to meet the needs of the rank and file worker.

Recently in May of last year, not in 1964 in the civil rights era, but last year, three policemen in Texas received a one year prison sentence for maliciously beating up a Mexican American almost to death and then throwing him into a river where he subsequently drowned. Just so, as one of the murderers stated, "To see is 'wet-backs' could swim."

As you see, there is much work for many of us to do. How to begin? The Chinese say that every journey begins

with the first step, this step many times is the hardest one. First, we must consciously be aware of the good "rap" as compared to the good life. Many of us have some notions of responsibility and morals but few actually live out these morals or responsibility. One can pay lip service all day to the above issues but it all goes down the drain if the next day we go off and interview with P.G. & E., a developer of unsafe nuclear energy plants, or Lockheed, who manufactures "first strike" nuclear missiles.

What we must begin to do is to say NO! to these corporations, to say I will not use my skills to work to perpetuate a system which does not meet human needs but only meets the needs of profit for a few. In the law school's training to see both sides of every issue, we must never lose our convictions and our social responsibility to society as a whole. We, as law students must cultivate the strength to be true unto ourselves as members of the family of mankind. We must not shrink to the level of self indulgence, elitism, or any other false living which plague so many in this profession.

This is not to say that all corporations are evil "per se," but it is to say most corporations seek to make a profit and in doing so, many times, the needs of humans ride a secondary seat on the bus. So one must consciously take this factor into consideration

when one chooses to work for a corporate law firm. This is essential to a conscientious law student.

For me, I see working for a corporate law firm as analogous to allowing myself to be drafted during the Vietnam War. Signing my draft papers, I would have put myself in a position by which I would have to accept the Army's regulations; "Shoot!" the sergeant would order, and I couldn't ask why? Similarly, if while working for P.G.E.'s legal department, the chief counsel requests a memorandum of "points and authorities" justifying a nuclear energy plant, could I say "No?" Would you? I don't want to be in that position, plus my labor is needed in so many more supportive organizations. This is fact, our legal skills are needed by many organizations that are advocating people's needs, and are trying to improve people's quality of life. Is this not more self-actualizing, laboring for the betterment of human beings, meeting peoples' needs instead of a corporation's cancerous need for profit? Our labor is such an important part of our life; it's imperative that we incorporate our advocacy to other aspects of our lives.

### "LIVE CHANGE"

We must remember to keep law and law school in perspective. One way to do this is to recall why we came to law school in the first place. Many of us

*continued on page 5*



# PILA Controversy

continued from page 1

The report states the need for public interest lawyers. It says that an estimated 32 million American families are too poor to pay for legal services. And of the approximately 227,000 practicing attorneys in the United States, "fewer than 600 work to vindicate broader public interests (e.g. protection of the environment, rights of the poor, minorities, women, elderly, etc.)."

The specific PILA program recommendations include:

- A two-unit seminar to provide a broad overview of public interest law.
- A two-semester clinic in public interest law.
- A special Certificate of Achievement in Public Interest Law awarded to students who complete the above re-

proposal to apply stricter criteria in determining minority admissions at Hastings. Yet, his impressive liberal credentials are provocative counterpoint to his recent stands.

## 'A political plaything'

He worked for many years in the forefront of the labor movement, strenuously fought McCarthyism, participated in the civil rights movement and now is involved in the passage of the Equal Rights Amendment.

He claims no philosophical inconsistency with his past positions and present stance against the establishment of a public interest law program.

"It is precisely because of my background in the labor movement and

## "They're all heart," Kanowitz said, "but wrong."

quirements and also author a paper suitable for publication in public interest law.

- An expansion of Legal Writing & Research sections devoted to public interest law. (One section of 15 students was provided this year).

- As well as "special topics courses," (similar to those just recently approved), a public interest law journal, special job listings in the placement office, etc.

## "No elite groups"

Faculty opposition to such an established program has been strong in recent months.

"I have no desire to form an elite group of students in this school for public advocacy or corporate law for that matter," Professor Miguel de Capriles said.

"The first duty of a law school," he added, "is to train good lawyers who are not partial to any particular side."

It is Professor Kanowitz who seems to spearhead the opposition to any formalized and defined public interest law program.

"The thrust of the (PILA) proposal is ideological rather than educational," he said during a Law News interview.

Professor Kanowitz just last Spring took the brunt of student attack for his

fight to end repressive laws and politicians that leads me to believe a school should follow a course of neutrality," Kanowitz said.

"It is extremely important that educational institutions preserve their integrity," he said. "These institutions should not become political playthings."

What if, he asks, a "law and order" group wanted to propose their own program?

"Both represent ideological cravings to turn the school into something it should not become."

## 'They're all heart'

But, PILA member Lande disagreed, saying, "Some professors think law school should be an island. Instead, law school must be responsive to demand. It is incumbent upon law school to address certain social problems and become responsive to segments of society that are under-served and under-represented."

And about the PILA people, Professor Kanowitz sums up saying, "They're all heart, but wrong."

However, the ultimate fate of any established public interest law program here is far from being resolved. Perhaps one thing is certain, at Hastings' controversy springs eternal.

# American judiciary 'out of control'

continued from page 3

dison from California law with an amendment to the California Constitution which would order the Courts to treat legislative law equivalent to constitutional law. In this way only legislative law would exist and constitutional law would no longer be superior to it (or vice versa). By such an amendment the legislator, not the judge, would be supreme. Judges would be left to interpret legislative statutes (no small task) which is in fact their proper function.

Only when judges will have lost their present political discretion to make law, and are forced to apply the law as they are given it will they finally escape criticism. For then, criticism of judges will be useless and better diverted toward the legislature for its shortcomings. Problem solving is a legislative function. If legislators fail to solve our social problems, it is intellectually dishonest to ask the courts to take their place and like Platonic Guardians solve them. The ultimate power lies with the people—at the polls, and if not there, then in the streets—not with the courts. Otherwise we shirk our responsibility as citizens.

My proposal is not a radical one. Most Western nations operate with their legislatures sovereign, or nearly so. Americans should not be afraid of such an idea. Although some may express concern that perhaps Americans are not as civilized as English, Canadians, Australians, and New Zealanders (among others) who live in the shadows of nearly sovereign legislatures, I disagree. To place all political power in the legislature is not to suggest that it will act more wisely or more justly than the courts, but only to say that it is more preferable in civilized states to place absolute power there, in a democratic body, where if a wrong be done it will be done openly, and where a remedy for its correction can be easily implemented by other legislation.

Judge Learned Hand, a famous American judge, told us some years ago that a nation that does not require salvation from its errors does not need a court to save it. And one which does not require a court to periodically save it, is past saving.

In a similar vein, Benjamin Franklin

admonished future Americans when he emerged from the first constitutional convention that we had been given a Republic not a Monarchy—if we could keep it.

My conclusion after a second year constitutional law course is that if we cannot keep our Republic without the assistance of judges, we most assuredly do not deserve to keep it.

## Gay Students Urge Statement Amendment

March 28, 1979

To: Academic Standards and Policy Committee

From: Hastings Gay Law Students Association

Re: Admissions Policy Statement Amendment

Hastings College has developed a well deserved reputation as a leader of progressive social change as it is reflected in the legal community. This renown is only consistent with the College's academic excellence and integrity. The Committee has already recognized Hasting's responsibility to "assist the legal profession in developing a racially and socially integrated bar" and to ensure that its admissions policy and practices are "always fair, (and) that they appear to the public to be fair..." (An Admissions Policy Statement, March 16, 1978, P. 1.) The Committee now has the opportunity to more completely achieve these stated goals.

We respectfully urge the Committee to adopt the following amendment to section IV of the Admissions Policy Statement:

e. Under no circumstances will acceptance or rejection be based upon the following:

(1) The applicant's race, religion, Ethnic heritage, sex **sexual preference or physical handicap...**

Some of the reasons this amendment is necessary are:

1. Hastings does not in fact discriminate on the basis of any of the aforementioned categories. The Committee should not hesitate to recognize the facts in its policy statement.

2. The present statement does not correspond to current State practices regarding discrimination. This week the Governor of California will issue an executive order banning discrimination on the basis of sexual preference and physical handicaps. Our admissions policy should reflect the prevailing community standards.

4. Applicants should be aware that purely personal matters will not be considered in the admissions process. At the same time, they should be allowed the real opportunity to make use of their past achievements and future goals on applications, without fear that the revelation of some legitimate and progressive achievements could damage their chances to be admitted to Hastings.

5. The proposed amendment will protect not only against rumors and remnants of bigotry today, but also against the potential of prejudice tomorrow.

We are confident that the logic and inherent fairness of the above statements as they relate to the stated goals of Hasting's admissions policy compel a favorable response to the proposed amendment.

Respectfully,  
Hastings Gay Law Students

## In the Belly of a Paper Tiger

continued from page 4

would agree that Hastings will provide a good legal education which will help us on our way to becoming attorneys. Law school is a positive step in our lives but underlying this positive energy flow is the fact that becoming a lawyer gives us social power. However, with this power comes responsibility to society. This approach to studying law dictates that we also remember that we are brothers, sisters, lovers, teachers and learners. We should never lose sight of our other roles in life which would dictate at times, for us not to act as conventional lawyers.

I am talking about times when our convictions and struggles dictate that we go out and organize, educate, and walk a picket line. When our convictions and labor affect what food we eat and what products we buy, then we are incorporating our beliefs into our everyday existence. This is to "live change".

To illustrate this, I recall during the student march on Washington to protest the war, Nixon stated that he was watching football games during the demonstration. He simply could not be bothered by us. Then, we became enlightened. If the military industrial complex would not listen, then we would stop perpetuating their strength, we would stop buying their products.

Through the energy of committed people a list of the top 20 corporations and their subsidiaries who were benefitting from the war was published in Santa Cruz, and people began boycotting their products. We began hurting them where it counts and living our beliefs and convictions, by being aware of what products to buy. Are we going to buy a Hostess "Twinky" owned by A.T. & T. or will we buy a sesame bar owned by Santa Cruz Natural Foods? The choice is what corporations do we wish to perpetuate. This is a political decision. Ultimately, all is political.

Last year during the Hastings student strike, you and I were the faculty's work-product. However, when we boycotted classes we were disrupting the production line and the faculty began listening to our grievances and proposals and eventually a settlement was reached. Truly, as students of this college, each of us made a political statement living our convictions and in that context the strike was glorious. For everyone had to make a decision, a decision we will make again when we enter the job market, and decide what side our legal skills will be used for! Minorities, women, and working people or management and large corporations? Clearly, the choice must be made, for

the law is very political. The law's major purpose is to provide a peaceful resolution of conflicts for the benefit of the established power in society. A less important purpose is for the protection of the minority whose actions and ideas are hostile to the status quo.

No question the latter purpose—the protection of the minority's progressive ideas—is the more needed of the two. This combat against our legal system, a Paper Tiger, dictates that we live our lives as warriors. Holding strong our convictions, being able through our legal skills to stop the corporations from completely controlling us, working to preserve the quality of our lives and most importantly, having an opportunity to work for humanistic goals which call out for fundamental social change are the actions of a progressive lawyer. Putting people before profit, people before nuclear missiles (stop Trident), and ultimately people before lawyers requires fundamental social change, a progressive idea that should not be considered radical.

As Paul Harris\* says, you don't have to love the law to be a lawyer, but you do have to dig the people.

\*Paul Harris is a practicing progressive attorney in the Mission District of San Francisco.



# Arts & Entertainment

## ALL THAT JAZZ:

### Well, Dawg My Cats

by g. jarrett

If you've been searching, as I have, for that sui generis blend of exquisite wine and complimentary music, it may well be time for you to uncork that bottle of Lafite Rothchild 1923. Recently I had the pleasure of listening to the Dave Grisman Quintet in concert here in San Francisco, and I left feeling sorry I'd neglected to bring my bottle with me. Perhaps next time.

Lest you feel apprehensive about fraternizing wine with jazz, let me assure you that this is no ordinary jazz. Not at all. Consider, for example, the instruments: a 1929 Gibson F-5 Mandolin, a 1924 Loar-Hart Gibson F-5 Mandolin, an 1856 Guisepe Marconcine "Ferrara" Violin, a 1934 Martin D-28 Guitar, and an 1875 Czech Flat-back Bass. Obviously, a 1923 Lafite Rothchild would enjoy excellent company.

If represented solely by their instruments, the Quintet appears to be the antithesis of contemporary jazz standards. After all, they are a string quintet in the classical sense. Yet their music seems to synthesize all the provocative elements of classical, jazz, and blue grass traditions, the latter reflecting perhaps the strongest influence amongst the three. The group plays purely instrumental compositions of such a unique character that it has generated an unusual classification of its own, called "Dawg Music".

The art of "Dawg" predominates the mandolin with two distinct features: the rhythm is maintained with a tremolo motion (reminiscent of Mozart's "Don Giovanni"), while the melody is often plucked with fingers or a plectrum (as in occasional pieces by Beethoven). In both capacities Dave Grisman is a master mandolinist and is accompanied by musicians of comparable virtuosity and versatility. At any one time you might be listening to two violins and two mandolins, or four mandolins in ensemble. In addition to Grisman the group is currently composed of Mike Marshall on mandolin and violin, Darol Anger on mandolin, violin, violoncello, and violoncello, Tony Rice on guitars, and Todd Phillips on mandolin and bass.

If you witnessed the Quintet recently at the Great American Music Hall, you were fortunate enough to listen to extraordinary sounds composed, arranged, and performed by collective genius. If not, I recommend you do the next best thing and invest a few hard earned dollars in either of their two highly successful albums. The first,

entitled simply *The Dave Grisman Quintet* (1977 Kaleidoscope Records), is a resourceful record which underscores Grisman's talent as a renovator of melodies updated with imagination and style.

His newest release, *Hot Dawg*, (1979 A&M/Horizon), features Stephane Grappelli on violin and Eddie Gomez on bass. This LP in particular seems to intimate a closer approach to the swing-jazz idiom while still nourishing a balance of blue grass influence. If this latest album doesn't double Dave Grisman's following (which I hope his first album increased by an appreciable number) I suggest that A&M records include a pair of Q-Tips with his next release.

The Quintet's recent performance in San Francisco was flawless, charged with emotion and stunningly beautiful. All five artists displayed an impressive combination of polished technique, improvisatory skill, and harmonic ensemble, three attributes rarely heard in contemporary jazz. The standing ovation at the conclusion of the show was a spontaneous salute to excellence. For the music of the Dave Grisman Quintet is so refreshing and so natural that even bad wine tastes good.

## MUSIC IN YOUR EARS:

### Blakey Bops, Gordon Lost in the Sauce

By JULES KRAGEN

Keystone Korner recently featured two long time jazz stars, Art Blakey and Dexter Gordon. Their performances represented the modern incarnation of hard bop, however, one show was energetic, the other in more of a holding pattern.

Blakey's Jazz Messengers have long been a vehicle for up and coming jazz players and his current group is no exception. All players are young and capable, but it is the horns that dominate. There are three distinct voices, Russian trumpeter Valerie Ponomerov, altoist Bobby Watson and tenor player David Schnitter.

Blakey is the eternal timekeeper. His subtlety and grace, both with sticks and brushes, were evident all evening. His style is impeccable, based on precise but never overbearing rhythm. The compositions were divided between originals and jazz standards. The group had plenty of solo space,

Squeezing Out Sparks—Graham Parker and the Rumour (Arista)

Graham Parker has come back strong. Emerging out of nowhere in late 1975, Parker gained instant credibility by aligning himself with the Rumour, a band formed from the ashes of two great British pub bands, Brinsley Schwarz and Ducks Deluxe. Parker's first two albums, *Howlin Wind* and *Heat Treatment*, displayed a distinctive writer whose best songs were instantly recognizable and conveyed a mature, seasoned and somewhat angry look back at his life. Lesser songs were effortlessly saved by strong vocals and the Rumour, the sassiest band this side of the Stones on a good night. The follow up, *Stick To Me*, raised questions as it was marred by some bloated songs and ultimately unsatisfactory production. Next was *The Parkerilla*, a surprisingly bland live set which seemed thrown together to complete Parker's contract with Mercury Records. Direction seemed to be lost, so too was momentum. Nearly a year later, *Squeezing Out Sparks* is here and Parker and the Rumour are back on track.

Kudos must be given right off to producer Jack Nitzche. By eliminating the horns which have graced every record and the strings and back up vocalists from *Stick To Me*, he has captured the true power of the Rumour. His in-

credibly clean production reveals all of the component parts, most notably Brinsley Schwarz' distinctive lead fills and Andrew Bodnar's ever changing, swinging bass lines, while preserving the power of the whole. By doing this, Nitzche presents a tension building battle as he lets Parker fight for center stage. As on stage, Parker wins, but only by extending himself to the limit.

Parker, though, is the real star of this album. His vocals are strong, assured and purposeful. More importantly he's written ten great new songs. The songs are now more than irresistible choruses and dodgy verses. While all of the choruses hit hard, the verses reveal a more careful construction. For the first time, Parker is writing personal love songs and this has revealed a new depth of feeling. The album starts off with "Discovering Japan" which finds Parker discovering more than a foreign country. From here on out, Parker flirts with feelings of love ("Love Gets You Twisted" wherein "the hearts are enlisted to break everyday") while coming to terms with the excesses inherent when your love is overseas ("Passion Is No Ordinary Word").

The emotional centerpiece is a stunning, confused song called "You Can't Be Too Strong". Here, Parker has just found out that his girlfriend was pregnant and had an abortion. The deed is done and all he can do is reflect. But that reflection is tentative and looking for an easy way to resolve the emotions: "It's just a mistake I won't have to face, Don't give it a name, Don't give it a place, Don't give it a chance, It's lucky in a way". But that rationalization isn't enough. Outlets like the boys won't help. Neither will a fascination with the process itself. Instead, the only solace is in the fact that You can't be too strong...applying to his friend in admiration for the decision and solace as well and also for himself. This all is set to a sparse, haunting background and sung in a strong yet vulnerable voice.

The album has its lighter moments as well. "Waiting For the UFO's" concerns exactly that and is marked by a glorious vocal arrangement. The Album ends with "Don't Get Excited" in which the singer's plea is shattered by the power of the band as it builds behind him. It ends this album on a strong note. And fittingly so. This is a fine album from an artist that's not afraid to show his real emotions, even if they are unresolved and confused. The emotion is underlined at every turn by the Rumour. Parker is back, and thankfully so.

—Dick Archbold

## RESTAURANT CORNER:

### The Mexican Indigestion

By RAY RODRIGUEZ

This writer will now take you to another eating establishment recently unearthed. The place, "Tommy's Mexican Restaurant", is located in the Richmond District off Geary. I can only begin by describing the atmosphere as "early Howard Johnson's". Yes that's right, this place makes no pretense as to environment, but, even so, it has been documented that such places can serve good food (Even in the "Avenues"), so, your truly sampled the cuisine by trying the "Deluxe Chicken Tostada". Ah! what can I write to fully express its true value? One can only try, and this I do by noting the following observations:

The refried beans served with the

tostada weren't bad, that is if you enjoy canned food. The tortilla had the tenderness of rubber bands. In addition, the tostada was a classic example of American influence on ethnic food, ie: BLAND. In support of my opinion, let me point out that the food in question was subjected to a sample testing by Hastings connoisseurs. The opinions ranged as follows:

"It's worth its weight in Blue Books or Sea Rations".

"This ought to be endorsed by Lee Trevino".

As the reader gathers, there is an obvious conflict of opinion. And so, we come to the end of another misspent evening. The "Bionic Stomach" has once again established his prevalence in the face of adversity.

and their progressive horn charts gave the bop tunes plenty of life.

In the following week's performance, the trio playing behind Dexter Gordon gave the audience an effort to be praised but Dexter just couldn't. He arrived for the first set somewhat late, and headed straight to the bar for a double. Before beginning his usual opening number, "Fried Bananas" he explained that he had just returned from Mexico City. Between the jet lag and the probable margaritas the afternoon had wrought a definite effect on his playing. Mind you, he can play a tremendous sax by reflex, and for the most part he did. His habits of simple style saved him from what could have been an abysmal show had it featured anyone else.

In any case, when he didn't solo, the George Cables trio took over. Together with Rufus Reid on bass and the amazing Eddie Gladden on drums they proceeded to electrify the audience with some telepathic play. Gladden's solos burst with energy and Cables continued to show why San Francisco suffered such a loss when he stopped performing locally to join with Gordon. As it was, there were more than a few grumbles from the audience mixed in with the applause that followed the first set.

Upcoming shows at Keystone include Tony Williams, April 10-15, Muhal Richard Abrams and Oliver Lake, April 24-29, and Horace Silver May 1-6.

EDDIE MONEY—LIFE FOR THE TAKING

No matter what style he tries Eddie Money consistently fails to rise above the mediocre. A bit of hard metal (the title track), lots of cliched lyrics, a little Boz type schmaltz r and b produces a truly uninspired and basically boring l.p. Buy this one out of East Bay/Longbranch loyalties only.

## Quote of the week:

"Smile at your security guard, he loves you."

—Terry Bourgerie



# Hastings' Legacy

*Hastings College of the Law, The First Century.*

By Thomas Garden Barnes. (San Francisco: University of California Hastings College of the Law Press, 1978. 457 pp. \$19.50.) pp. \$19.50.

Reviewed by Verne A. Stadtman, Associate Director and Editor of the Carnegie Council on Policy Studies in Higher Education and the author of The University of California 1868-1968.

Any history of a professional school that begins when formal professional education was still very young and crudely developed cannot help but be, in considerable part, a history of the profession itself. One of the strengths of Professor Thomas Garden Barnes' centennial history of Hastings College of the Law is that it provides precisely such a history of the legal profession in California at the same time that it traces the development of the institution. As his story unfolds, one can easily follow the ups and downs of an in-

stitution that has survived a hundred years at least as much by gall and ingeniousness as by design and fortune. But one can also watch the maturing of the legal profession in California.

Part of that maturation is suggested by the evolution of the college's curriculum, which Professor Barnes traces meticulously from the beginning in 1878-79, when everything it was believed a practicing attorney needed to know could be taught in one carefully designed "system," to the present, when the faculty no longer attempts to teach everything to everyone because there is just too much law to know. The development of the profession is also discerned in the steadily rising admissions and graduation standards of the college. It is also to be inferred from the fact that although none of the school's first directors was a college graduate—though they were all members of the San Francisco Bar—its own alumni soon were counted among the best known lawyers in San Francisco, if not the state. Many also held positions of power and influence in city govern-

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## Leon: let your camera do the talking

Do you remember picture books with the scant narrative and illustration after illustration that led one to another world of mythical creatures and implausible places? Somehow law books have failed to fill that gap. Every iota of the page seems filled with a virtual plethora of words only suitable for a Scrabble championship rather than scenarios out of *Arabian Nights*. Unfortunately *Contracts* is not yet illustrated with the two ships *Peerless* passing in the night, or with the amazing *Carbolic Smoke Ball*.

However, there is still hope for the intellectual adolescent as modern photography has spawned a plethora of picture books as a substitute, intent on capturing life in a mood of realism rather than fantasy. *Ireland-A Terrible Beauty* by Jill and Leon Uris is the exception. (Bantam Books, \$7.95, 388 photographs, 288 pages) It manages to capture a bit of both realism and fantasy in the pictographs as the story of Ireland is probed and extracted throughout the book.

Many of the images are haunting romantic scenes of the wild terrain of Ireland. Like a climactic gasp, the shutter has captured the intense, starkly sensual beauty of Ireland—the blanket-like mists, the azure seas slashed by vicious boulders, and the rocky peninsulas covered by strange beehive huts, leaving the reader on a virtual precipice of desire to bask in that beauty for one's self. The pictures hint at the mystic for the eerie beauty is especially suited for the ghosts and fairies that are rumored to live there.

The Irish people are not forgotten either by the Uris's. Their craggy features portraying expressions of puzzled acceptance, resignation, impotent fury or rebelliousness are vividly captured. And to complete the portrait, the Protestant faces full of English arrogance, detachment and guile, which are as integral to Irish history as the terrain, are included as well.

But it is the towns that are the soul of Ireland and the backbone of this book. Eire, Cork, the dying mining town of Allihies, the eye of the tempest that is Belfast all bespeak of a tragic history. The camera lens has caught the atmosphere of desolation and remorse that seems mortared into the very cobblestones of the Irish streets and echo of a past of English tyranny. However the aura of rejuvenation, of modernization and change is accurately

caught by the camera as well, suggesting a renaissance of attitude and opportunity for the Irish people.

Interspersed amongst these captivating pictures is a running narrative provided by Leon Uris. Mr. Uris fails to appreciate the age old homily that 'one picture is worth a thousand words' and persists in a sophomoric commentary that borders on triteness. ("...the Kerryman can be strange and distant. The Kerry girl may stare moody and pensive at the sea for hours, then suddenly burst out in a wild race down the strand against the last fit of sunlight." [p. 80]). Inflamed with a fervent Catholic bias, Mr. Uris loses all journalistic objectivity and passionately pleads his case, nearly losing it in the process by virtue of his righteousness. Despite the evangelical zeal with which Mr. Uris pleads the case of the Irish Catholic, enough historical fact and photographic evidence are presented to convince the reader that there is more here than meets the eye...

Overall, *Ireland-A Terrible Beauty* is a seductive and haunting book of an island associated with an innocence and repose as well as a tempestuous nature characterized by premeditated violence. It must be seen to be appreciated, and once seen it will not be forgotten.

Chou

Lisa M. Bassis

### Summer Reading List

(even though you're taking the Bar exam)

- Disordered and all Exceptional;
- 1) *Changing*, Liv Ullmann
- 2) *Twins*, Bari Wood & Jack Geasland
- 3) *The Magus* (revised edition), John Fowles
- 4) *Even Cowgirls Get The Blues*, Tom Robbins
- 5) *Final Payments*, Mary Gordon
- 6) *Rich Man, Poor Man*, Irwin Shaw
- 7) *The World According to Garp*, John Irving
- 8) *The Star Thrower*, Loren Eiseley
- 9) *Midnight Express*, Billy Hayes
- 10) *Ordinary People*, Judith Guest
- 11) *Dispatches*, Michael Hell
- 12) *The Giving Tree*, Shel Silverstein
- 13) *Interview with a Vampire*, Ann Rice
- 14) *Delta of Venus and Erotica*, Anais Nin
- 15) *Shogun and Tai-Pan*, James Clavell

## Behind the Scenes

By ALLEN R. KING

Dear Friends:

This is the fifth time I have spoken to you from this column, where so many decisions have been made that shaped the history of this institution. To have written this column is to have felt a very personal kinship with each and every reader. In leaving it, I do so with this prayer: May God's grace be with you in all the days ahead, especially those of 3 May - 17 May.

This column has frequently contained subtleties for the enjoyment of the more discerning reader. However, only the most fastidious observer of this column, upon reading the conclusion of the last edition of *Behind the Scenes* which read in part: "with thanks to Richard M. Nix-on") recognized that half of the column had been edited out by the editor. Dana M. Cole, perhaps in a fit of anger over his failure to land a job with 60 Minutes, did the foul deed and later confessed.

Mr. Cole did say after the despicable act had been done "I have restored integrity to the Law News." Is he a Republican? Despite such irrational behavior and his ignorance about Hamilton Burger, I want to commend Mr. Cole for the job he has done with this publication. It's been fun working with a man who knows that "you just can't buy that (journalistic) experience" and who has such a perverted laugh. He has agreed to include in this final edition the material he so ruthlessly expunged from the last column.

Mr. Jeffrey Berchenko, a frequent star of this column, was introduced by one Hastings student to another: "This is Jeff Berchenko-the ASH Treasurer." "Slash embezzler", replied Mr. Berchenko promptly.

Mr. Berchenko, who has feigned rage at some of the comments about him that appeared in this column, but who seems to have enjoyed the notoriety, has evidently parlayed the fame gained from this column into a lucrative position with a law firm specializing in tax matters. I'm not sure of the name of the firm, but perhaps it is the Stanley M. Rifkin Computerized Legal Services outfit.

It Happened in Mute Court: It is my duty to report a serious breach of judicial eat-a-calf that occurred during the Mute court competition. A student, with whom I have been acquainted for some time, had the audacity to criticize the guest judges for failing to be familiar with the briefs submitted in the case. Can you imagine that? Criticizing prominent members of the legal profession for not being prepared, when by merely appearing they had done their part. It's an outrage! Did this impudent student actually expect that after all his work on the case the judges would read the briefs and familiarize themselves with the arguments? Did he expect penetrating, challenging and intelligent questions? The nerve of some people.

Program director Jerome Marks, upon notification of the incident summoned the offender to his office. "These are eminent members of the legal profession" remarked Mr. Marks, who was trying to piece together the details of the incident. The student repeated his unorthodox position, that no matter how eminent the guest judges, they had the obligation to have read the briefs and to have been familiar with the arguments. (One of the judges had admitted that he was unfamiliar with the facts of the case). The position of the program director was that the student should in the future carefully weigh the consequences of his actions. Sage advice. Remember the big name legal people might be offended and

not come next year. Or as aptly expressed by a former major league baseball manager, "To be seen, stand up. To be heard, speak up. To be appreciated, shut up."

Return of the Cast of *Evansleeado*: Lee Evans, another star of this column whose arm injury was not rugby related, has his arm back in the cast. The durable rugby player, who once was quoted as saying, "This injury will not slow me down in the slightest; I can still drink with either hand", will be back again next year with or without either the cast or his arm.

Money, money, money: Unconfirmed reports have indicated that the Student Services committee is awash in unspent money. Even with any consulting fees and kickbacks earmarked for the members of the committee, there still will be a lot of money unspent by that group. (Mr. Berchenko is a member of the committee. One member of a group that had been awarded funds from the beloved Budget Committee was walking past Mr. Cole, a prominent member of that committee. On recognizing Mr. Cole, the man said to a companion, "Is the next edition of the newsletter about ready?" The companion's reply: "What are you talking about?" (Query: Did the group ever put out any newsletters?)

A Warning in the classroom: Professor William R. Forrester, a popular Constitutional Law scholar, warned of the concentrated power of the media. He did not reveal if he was thinking particularly of the Law News.

(The following is the material edited out of the last column).

### Politics, Politics:

Congressman Pete McCloskey attempted to explain the difference between Democrats and Republicans to a group of Hastings students. According to the Republican lawmaker, the Democrats believe that politics is a noble profession and that government can work; the Republicans, on the other hand are distrustful about what government can accomplish and consider politics to be basically a dirty business. Contrast that with the statement made by R.M. Nixon, a formerly prominent Republican, "I reject the cynical view that politics is inevitably or even usually dirty business." Was Nixon really a Democrat? Perhaps this difference of opinion was one reason for McCloskey's challenge to the former president in the 1972 New Hampshire primary. Or do the statements of both men merely demonstrate the excrement so prevalent in the sport of kings?

Life at the Fourth Estate (or Who Elected the Press)? One condition for the publication of an article that appeared in the last edition of the Law News was that the author of the article remain anonymous. The writer was assured that this condition would be met and that his name would not appear. Lo and behold, when the paper came out over the article was a byline identifying the author. What treachery and lack of ethics in the newsroom of a law school newspaper! When the betrayed author subsequently stated, "I want to become anonymous," he was assured, "You already are."

Perils of the reporter's job: On February 4, while seated in the library pretending to study, this reporter received the following cryptic communication from "you haven't heard the last." Rest assured that no threat will stifle this reporter in his quest to provide the readership with the truth.

"This Administration has proved that it is utterly incapable of cleaning out the corruption which has completely eroded it and reestablishing the

continued on page 11



# Flap Over a Program at Hastings Law School

By Michael Harris

The faculty at Hastings College of the Law, embroiled in controversy, will meet tomorrow to vote on dropping a planned public interest law program and a legal aid clinic that the program's students would have operated for the elderly, minorities and other poor clients.

"The law school has a responsibility to support the poor and disadvantaged as much as the rich and privileged," protested John Lande, a law student who is a leader in a planned "silent vigil" in the Hastings corridors while the faculty meets.

Lande said a poll sampling 600 of Hastings' 1500 students showed that 93 percent want the institution to go ahead with the program first announced with considerable fanfare 18 months ago.

The proposed public interest program has drawn opposition from many faculty members, and they have continued their efforts to eliminate the program before it starts.

The faculty has also made strong efforts to keep the issue from being discussed publicly.

The dispute reached its first climax last December 1 when a gag order was imposed on Ray Bonner,

head of the law school's public interest program and former chief of the consumer fraud and white collar crime unit of the district attorney's office.

The faculty expressed its conservative mood at the start of the December 1 meeting when Dean Martin J. Anderson sought approval of proposals to send letters of condolence to the families of Mayor George Moscone and Supervisor Harvey Milk, assassinated in City Hall.

The faculty voted to send a letter to the family of Moscone, who was a graduate of Hastings, but would not approve the proposal to express sympathy to Milk's survivors.

At that same meeting, the law professors then voted to send the public interest program into limbo.

They ordered "that no effort to secure support of the program go on (and) that no representation as to the existence of the program be made."

Last week the faculty curriculum committee recommended that the special program be scrapped and that three new courses be

added to the curriculum instead.

One would be a course in "the representation of underrepresented persons." Another would deal with tenant-landlord relations and the third would provide instructions in interviewing, negotiating and counseling.

But the new courses do not satisfy the wants of those favoring the public interest program.

"We are going to try to persuade the faculty that a public interest program is especially appropriate for Hastings and that it's long past due," said Ricardo Callejo, a lawyer representing Hispanic-American organizations who support Bonner's plans.

"The clinical program is at the heart of the matter," Callejo added. "Law schools don't prepare most people to practice law but simply to pass the bar examination."

Several faculty members said they feared having students spend additional time doing clinical work — equivalent to the hospital duty performed by medical students — would pull them away from academic studies.

Professor Leo Kanowitz said he

feared the public interest program would be "an exercise in ideology rather than education."

Kanowitz was among the leading Hastings professors who objected earlier on learning that Dean Anderson had announced the program and hired Bonner without first getting faculty approval.

Anderson said he hoped the faculty's expected decision to approve three courses instead of a full-scale program would be accepted "as a first step" toward a public interest commitment by Hastings.

But organizers of the student vigil said they did not accept it as such.

"All of us are disappointed and frustrated by the committee's pitifully weak response to urgent appeals for a kind of program that other faculties have deemed worthy of introducing," an open letter from "Concerned Students" declared.

Meanwhile, two of the city's best known public interest lawyers, Sid Wolinsky and Robert Gnaizda of Public Advocates, wrote to Assembly Speaker Leo T. McCarthy urging that the state withhold support for new Hastings programs until the institution provides more community service.

## ....and Professor Kanowitz' response

Editor  
San Francisco Chronicle  
5th & Mission Streets  
San Francisco, Calif. 94119  
Dear Editor:

Michael Harris' "story" on the so-called flap at the Hastings College of the Law over a proposed "public interest program" bristles with inaccuracies and obvious biases.

First, the so-called public interest program has not been "dropped" since it has never been approved in the first place. Second, nobody has been "gagged" so that they may not speak about the proposed program; the faculty merely made plain its desire that no representations (read misrepresentations) be made to outsiders that such a program exists when in fact it does not. Mr. Harris, who I gather has some knowledge about consumer affairs, should recognize this resolution of the faculty as being aimed at preventing consumer fraud.

Third, contrary to Mr. Harris' simplistic editorializing in his so-called news story, the difference in opinion about the merits of a proposed "public interest program" is not based on so-called conservative-liberal tensions. His gratuitous mention of a faculty decision not to adopt a resolution memorializing Harvey Milk, while it passed one for George Moscone, an alumnus of Hastings, as reflecting conservative bias on the part of the faculty is false and defamatory. I for one voted in favor of memorializing Harvey Milk as well as George Moscone—as did many other faculty members—because I admired Milk as a human being and was stunned by the circumstances of his death. At the same time, I respect the judgment of a majority of my colleagues who voted the other way because of

their concern that memorializing non-Hastings alumni would consume much time at future faculty meetings and create problems were memorial for someone inadvertently omitted.

As for the so-called proposed public interest program, the Hastings faculty shares with many students a desire to enhance our training of lawyers so as to equip them to represent those who have been traditionally unrepresented or underrepresented in legal matters. We think that we do a pretty good job of this already, as attested to by our current course offerings and by the record of our graduates. At the same time, we recognize that there is always room for improvement. But that does not mean that we must accept every detailed plan proposed by anybody else as to how the educational program of the College should be operated.

Mr. Harris quotes me as commenting on the proposed public interest program as "an exercise in ideology rather than in education," intimating both that I have just made this remark and that it refers to a proposal to provide a legal services clinic that would serve poor people. Both suggestions are false. The quoted phrase was extracted from an extensive memorandum I sent to the Faculty in October, 1978; isolated as it appears in Harris' story, it hardly does justice to the elaborate discussion of the proposed program that the memorandum contains. Moreover, I have never opposed the idea of a clinic that would serve the poor, provided that it was an educationally sound experience for our students.

Sincerely,

Leo Kanowitz  
Professor of Law

## SANTA FE CONNECTION

By ALAN KOLLING

Last November, just as most students were preparing for the Thanksgiving break, three Hastings students slipped off quietly to Santa Fe, New Mexico, to work on a "reverse Discrimination" case which many people believe will eventually lead to a major Supreme Court decision in this murky area of the law.

The three, Jared Goldin, Joe Miller and I, were enrolled in visiting Professor Julian Levi's Urban Planning seminar and had been working on the case as part of their course assignments. Levi maintained a summer residence in Santa Fe and had been providing informal input on the case. After persuading the State Attorney General's office to accept students as part of the work team which drafted the appellate brief, Levi sent us on our way.

The case, *Livingstone v. Ewing*, concerned the right of the State of New Mexico to permit only Pueblo Indians to display and sell their artwork along the portal of the Palace of the Governors, the oldest government building in the country (it was built by the Spanish in 1610) which is currently serving as the State Museum in Santa Fe.

The exclusive use of the portal by the local Indians has been a tradition for as long as anyone can remember. After the establishment of the Museum in 1910, the Board of Governors passed a resolution restricting such use to the display and sale of arts and crafts "by Indian artists and craftsmen" in an effort to encourage the participation of the Pueblo Indians in the museum programs. Non-Indians were allowed to tender their handicraft for retail sale to the Museum

Shop which is also operated on the premises.

### Scuffles

In 1976, Paul and Clara Livingstone, two non-Indian jewellers from New York, decided to capitalize on the flourishing tourist traffic at the portal and attempted to set up shop along with the Indian artists. Scuffles broke out on several occasions and the Livingstones were cited for violating a city ordinance which purported to enforce the Museum resolution against portal use by non-Indians.

Although they made a variety of handcrafted items, the Livingstones also attempted to duplicate some of the Indian artwork, but had been rejected by the Museum Shop because it was regarded as being of inferior quality and lacking in authenticity. After losing at the district court level, the Livingstones retained a well-known civil rights attorney for their appeal.

### Egghead

The three day stint in the New Mexico cold (it snowed the day before we arrived) provided a memorable experience. After long days stretching from 8 in the morning till 9 at night, we took time out to visit Taos and Albuquerque in Professor Levi's Scout, with an EGGHEAD license plate.

Oral argument is scheduled for next week, with a decision expected in the early Spring.

The appellate brief argued that the Museum's educational function to accurately portray the historical and cultural aspects of native life was protected by the First Amendment, and distinguished *Bakke* on the grounds that the restrictive policy involved "passive" use of race without the effect of stigmatizing the Livingstones.



## Ask Mac

Dear Mac:

I understand that there is a new drug that can intensify concentration for long periods of time without causing the dangerous side-effects associated with speed. Is this true and where can I get some?

—UNDERSTUDY

Dear Understudy:

The drug to which you refer is still in the experimental stage and is not yet available to the general public. It has been successfully tested on rats and lawyers, but it's not yet safe for human consumption. Once approved, it will be dispensed through prescriptions by duly licensed physicians. Until then, it can be obtained in the Hastings library bathroom or the Student Health Service.

Dear Mac:

Do you think recent legal developments in cases involving divorce and living together will further the break-up of the American family?

—FOUND IN BASKET  
ON DOORSTEP

Dear Found:

No, nepotism will hold it together.

Dear Mac:

What are UEOs and where do they come from?

—SPACED OUT

Dear Spaced:

Throughout history, UEOs (Unidentified Educated Objects) have been reported around the world; usually appearing as former liberal arts students racing across the sky. They are popularly thought to be an extracollegiate form of life visiting from outer unemployment. The current rash of sightings in the U.S. has been attributed to the culmination of the baby boom in a declining job market. The last mass sighting occurred several weeks ago when thousands of UEOs were observed taking the LSAT.

Dear Readers:

In a past column, I noted that the Hastings faculty could not distinguish between a baby's rear end and an elbow. Following is a response by one of the afflicted:

In your last column you made some comments about the experience and knowledge of the faculty concerning the anatomy of babies. Let me suggest

that you vastly underestimate the practical experience of the Hastings faculty. I, for one, am extremely familiar with the very part of a baby's anatomy, that is, the rear end, which you mentioned; it is easily distinguishable from the elbow. Many of my colleagues have gained such familiarity in their lives. I had intended to enclose a photograph of a baby's rear end, just to prove my statement that I am able to distinguish it from the elbow, but I was threatened by the baby with a breach of privacy lawsuit. Since he is well represented by counsel, I thought I had better leave well enough alone.

—Marsha Cohen,  
Assistant Professor of Law

Contest Results:

Why do male attorneys always wear three-piece suits?

Top 3 Answers:

—Because an indispensable part(y) of the suit is vested. (Scott Miller)

—To hide their briefs. (Patty Lyons)

—It gives them more buttons to pop. (Eleanor Keating)

Runner ups:

—Because they'd look silly without pants. (L.K.)

—It makes them look like Pierre Cardin in a closet. (G.J.)

## Boalt Hall Forgets to Ask Mac

News Flash:

Our Berkeley spies report that portions of *Ask Mac* now regularly appear in the Boalt Hall newsletter, without the consent of author Malcolm Kushner or attribution to *The Law News*.

Commenting on the report, Kushner expressed shock and outrage.

Law News Editor Dana Cole said the entire matter has been turned over to the legal department for review.

"Such plagiarism shall not be tolerated with impunity," Cole warned.

This incident will provide greater fuel to the rumor that the Berkeley law school has seen better days.

## A Woman's American Dream Odyssey

By LISA BASSIS

There comes a point when even the most diligent law student cannot read another case. Whether contracts or the legal aspects of baseball, the mind balks at learning one more "fundamental concept", common law rule or modern trend and yearns for something else. To assuage the boredom and relieve the guilt that can stem from an actual departure from the books, reach for *The Women's Room*, (Marilyn French, \$2.50, Jove Books).

Although the title is offensively suggestive of a feminist plot, (it is) the book, about women is so ironic and perceptive that it will seduce even the most chauvinistic of men with its clarity. Further, it's both amusing, sophisticated and so totally absorbing that only a redneck or a guilty law student would not savor all 687 pages.

*The Women's Room* is about Mira, a ridiculous little Mira and her growth into Womanhood. With sympathy and humor Marilyn French takes us and Mira down the Yellow Brick Road of how to be a woman in accordance with *Ladies Home Journal* and *Good Housekeeping*. Somehow Mira trips along the way and never makes it, instead, becoming something better; a person. And it's this psychological metamorphosis from Housfrau to Person that the story concerns itself with.

SEX

Mira was a precocious child, preoccupied with determining the precise relation of God, heaven, hell and

earth. By fifteen she had formulated most of her assumptions about life and then promptly forgot them as SEX entered mira's spectrum. Suddenly she became interested in boys, those loud, stupid, truculent creatures that lumbered around the earth. And she realized another great truth, that Men took up the whole surface of every scene. So Mira took her place, with Lenny her boyfriend then with Norm her husband. Oddly though, life did not become more dramatic and exciting with marriage as *Good Housekeeping* promised it would be. The joys of waxed floors, starched sheets, the latest in vacuums, pristine babies and a masterful husband failed to titillate Mira. Mira was not fulfilled. Something was wrong. Something was wrong with Mira.

Along with Mira, we traverse the myth of the Happy Housewife and explore the discontented lives of her suburban neighbors. Like children at the zoo, we observe her model husband whose idea of fatherhood is to have wifey-poo take care of everything, and meet the children that are the product of this peculiar partnership. And slowly, like a morning becoming bathed in sunlight, we recognize the all too pervasive social mores that have grown from these patterns.

'Geriatric Set'

Finally Mira is thrust into an unwanted freedom, not at her own insistence, but by Norm. Faithful, wond-

erful Norm asks for a divorce from his perfect wife in order to be with his little "chippy". After pulling herself back together with band-aids and string, Mira enrolls at the University, does well, and gets accepted to Harvard's graduate program in English. Off she goes, and Mira takes her place among the "geriatric set" (her words, not mine) in the wilderness of Cambridge. It is the tumult of the '60's and Mira finds herself amongst a group of women that are so diverse and colorful as to resemble a flock of Brazilian butterflies in Autumn. With a deep love Marilyn French develops each woman like perfectly ripened fruit that looks too good to eat, adding a dimension of succulent flavor and over-reality to each character. Each woman is embroidered with a unique social and political identity that help to complete a piece in the tapestry that is Mira (and perchance, the reader as well). Eventually, their voices become a part of Mira, blending with the wind and the sea to bring her consciousness to the brink of Person/Womanhood. Naturally the book can't end happily ever after, because it's not a fairytale, but it ends with a Mira richer, fuller and more complex than the insipid creature we meet hiding in the *Women's Room* at page one. Next time you reach for a book, pick *The Women's Room*, and you may learn something about Codes of Conduct that you'll never find in *West's Annotated*.

## Tony Patiño Fellowship Appointment

In a major effort to expand and better direct its recruitment activities within the academic community, The Friends of the Tony Patino Fellowship has made its first full-time professional staff appointment, naming Leilani Weirick as an associate staff executive responsible for initiating and maintaining direct contact with key officials of universities and colleges throughout the country.

The Friends of the Tony Patino Fellowship consists of a group of 185 Southern Californians who provide continuing financial support for the Tony Patino Fellowship Trust, of Hastings College of the Law, which is managed by the Irving Trust Company of New York.

The basic endowment for this trust was provided by major financial gifts from Mrs. Francesca Turner, mother of the late Tony Patino, who was a student at Hastings at the time of his death.

In order to coordinate the recruitment of qualified students for the Fellowship with the needs and recommendations of the academic community, Mrs. Weirick will travel throughout the country to meet with pre-law advisors, other key faculty members, deans of liberal arts schools, as well as with executives of longer-established foundations for guidance on selection procedures.

Mrs. Weirick graduated from Pomona College with an AB, and from Stanford University with a Masters in Political Science. She was Director of Development and Alumnae at Westridge School in Pasadena.

Mrs. Weirick has been active for 10 years in the whole field of student recruiting and academic charities. For the past one and one-half years, she has been deeply involved, on a voluntary basis in the establishment and initial selection procedures for the Tony Patino Fellowship.

On her recently-completed first wave of university visits, Mrs. Weirick had conferences with key officials on the campuses of Harvard University, Yale University, Wellesley College in Massachusetts, The Fletcher School of Diplomacy, Princeton University, Stanford University, Pomona (Calif.) College, Reed College, Lewis and Clark, the University of Oregon, U.C. Berkeley, and Tufts University at Medford, Massachusetts.

## Reception to Celebrate PILF Founding

All third-year students are invited to attend a wine and cheese reception celebrating the establishment of the Hastings Public Interest Law Foundation. The Hastings PILF is patterned after the Berkeley PILF Foundation which has been very successful in providing financial support to persons engaged in legal work promoting public interest activities such as the representation of disadvantaged minorities and those denied human rights in criminal or civil matters.

Members are asked to pledge \$500 or one percent of their annual income to finance projects approved by the Board of Directors, which is elected by the membership. Such contributions are tax deductible.

All persons interested in participating in the Hastings PILF or who desire more information should attend the reception or contact Jay Colangelo at 387-0375 or leave a note in locker 195.



# Attack on School Policies

An Opinion by JOHN LANDE

The fundamental problem with the Hastings academic program is that it is disproportionately designed to serve the needs of the commercial legal market and does not adequately prepare law graduates with the skills needed to cope with a daily practice.

Moreover, it neither recognizes the unmet need for legal services of an entire range of interests in society, nor adequately informs students of the roles "the law" and lawyers actually play in our society.

Evidence of the problem can be found in a curriculum which emphasizes commercial and property law to the disadvantage of skills courses and courses about problems of equal justice for under-represented interests (See, e.g., the 1978-79 Hastings catalog at pp. 68-72), and the nearly universal cynicism Hastings students experience.

Unfortunately, this general problem is manifested in many features of the Hastings program which are narrowly conceived, overstructured, and insensitive to the needs of students and future clients. The following are some examples:

**Case Method.** The case method of teaching reflects a bias toward appellate litigation practice to the detriment of many other common forms of practice.

Further, the case method is often an inefficient teaching method, since many cases involve a large volume of reading and produce only a small measure of instruction about legal rules and principles.

Case reports are frequently covered in class in a manner that doesn't provide much insight into problems encountered in daily practice.

Finally, the case method is less appropriate now than it was about a century ago. Statutory law then was less significant because Congress and state legislatures were less active, and there were virtually no federal regulatory laws as we know them today.

**Attendance Policy.** Problems with the predominant use of the case method aggravate the situation under the Hastings class attendance policy. Under this policy, instructors are supposed to report "irregular attendance," which can be the basis for dismissal from the College.

The policy does not significantly promote learning as some faculty suggest, but rather coerces students to attend classes often taught by the less able faculty. Everyday experience demonstrates that the vast majority of students attend classes taught by the more able instructors, regardless of enforcement of this childish and unnecessarily coercive rule.

**Tests and Grading.** Hastings' predominant use of closed-book final examinations and the numerical grading system reflects a rigid pedagogy concerned more with making fine discriminations between individuals than with assuring the training of an entire student body. The latter goal is Hastings' responsibility to our future clients and it is feasible at an institution with Hastings' financial, technical and human resources.

Most courses' sole formal evaluations are final examinations designed to place each student on a discreet portion of a rigid grading curve to serve the commercial legal market's need for a highly stratified labor pool.

These exams require skills such as mass memorization of abstract rules and specific cases, and test-taking strategy.

Fortunately, most lawyers who have passed the bar examination will never be called on to use these skills. Unfortunately, these irrelevant skills affect

students' grades, and ultimately their learning and career patterns.

The grades assigned to exams have doubtful meaning and significance. It is difficult to make any sense of grade-point averages which are calculated in hundredths of a point. What is the difference between comparable students with averages of 80.12 and 82.27? Would the latter know 2.15% more law or have a 2.15% better chance to win a case than the former student? Probably not. Would the latter student have a 2.15% easier time finding a job? These questions should demonstrate the absurdity of the numerical grading system.

While the meaning of the Hastings grading system is doubtful, its pedagogical usefulness is virtually non-existent. The grades are announced and tests are returned weeks and months after students complete courses, obviously too late for students to learn from their mistakes and change their study methods in the already completed courses.

Further, many instructors make no comments on exams so that the only formal and individual evaluation students may receive in a course is a single number.

**Examination Rescheduling.** The rogue's gallery of anti-student policies at Hastings also includes restrictive examination rescheduling policies which prevent rescheduling unless a student has two exams on the same day and exam on the preceding or following day.

The policy is extremely unfair as it introduces yet additional distortions into the examination process. This occurs because students not allowed to reschedule are usually at a disadvantage due to inadequate preparation time.

**Big Five Policy.** The "big five" policy is inflexible and creates more damage than good. This policy provides that students who do not enroll in the big five courses (evidence, corporations, federal income taxation, constitutional law and criminal procedure) in their second year face the possibility of being completely shut out of these courses in their third year.

While it is a worthy goal to encourage second year students to enroll in courses that contain material needed for later courses, this policy is extremely rigid and arbitrary, and creates unnecessary complications in an already complex class selection system.

For example, it is foolish to pressure a second year student who does not intend to engage in a criminal practice to take criminal procedure in his or her second, rather than third year. In that case, the student might be forced to postpone taking a prerequisite to a course that is actually in his or her field of interest.

**Professional Responsibility.** The new professional responsibility requirement reflects a mechanical and not very constructive solution to an important problem.

As a whole, the Hastings faculty and administration do not adequately protect students' interests in receiving high quality legal education. Unfortunately, our clients will be the real victims of these deficiencies in the Hastings program.

From the trend of recent events it is clear that the Hastings faculty and administration will not correct these problems on their own initiative. If these problems are to be resolved, it will require the determined efforts of concerned students, faculty, alumni, future clients and possibly others. The following changes are suggested:

**Five Error Rule.** The "five error" rule in the moot court program is simi-

larly misguided. Under this rule, students must retype briefs containing six or more errors. Such errors include typographical errors, misspelling, incorrect citation form, and grammatical errors. This rule does not prevent errors, is often applied arbitrarily, and creates a lot of wasted work and expense. It might be better named the "legal secretary and photo copier subsidy rule."

**Unaccountable Process.** To add insult to injury, Hastings' restrictive governance procedures effectively discourage student participation in College decision making. The College provides students only the bare minimum of information needed to operate effectively. Policy changes are usually announced after the fact. Further, Hastings does not provide notice of the dates or agendas of faculty meetings which are held in secret.

Beginning with the class of 1980, students will be required to take at least a one-credit pass-fail course on professional responsibility. This additional requirement will certainly aggravate problems in course selection created by a complex class schedule and the big five policy.

It also seems likely that upper-class students, who are already very busy and cynical, will become more so as a result of this requirement, and will not take the courses seriously. The new requirement will also necessarily divert instructional resources from other important courses and activities.

**Reassess Priorities.** Shift the emphasis in the curriculum to courses that: a) teach legal skills (possibly including upgrading the legal writing and research, and moot court programs), b) provide more empirical information about the roles the law and lawyers actually play in society, and c) cover problems of under-represented social interests.

This could be accomplished through a reorganization of the academic program to improve the effectiveness of all courses, without increasing the proportion of units specifically required, to the total needed for graduation.

**Innovative Pedagogy.** Increase the use of a variety of teaching methods which might include problem solving approaches to learning (vis-a-vis the case method) and using a variety of types of readings and documents as teaching materials in addition to appellate court case reports (eg, attorney work-projects such as arguments from appellate briefs, legislative history, law review articles, and articles published in journals of related disciplines).

**Unchain Us From Our Desks.** Abolish the formal class attendance policy and hire more competent instructors. Hastings should also take better advantage of its unique video facilities.

One possibility would be to offer only one set of "live" lectures in multi-section courses and re-broadcast the lectures for students who do not attend the live lectures. This would allow live student-instructor interactions to continue in class (indeed this might improve class discussion if the most active students from all sections attended the live lectures) and still permit all students to get the benefit of the Hastings experience. This might also allow a reorganization of staffing patterns to permit more small group instruction.

**Responsible Evaluation Methods.** Increase the use of a variety of methods of student evaluation including open-book examinations, take-home examinations, and particularly preparation of attorney work products in lieu of or in addition to other requirements. Closed book examinations should be avoided whenever possible, and should, perhaps, be limited to "bar" courses.

**Meaningful Grades.** Change the grading system from the numerical system to the five-tier system (honors, high pass, pass, accepted for residency requirements, fail) currently used at Boalt Hall in Berkeley. This would increase student confidence in the validity of the grading system, reduce destructive pressures on students, reduce instructor's grading workloads, and would still allow for the stratification functions the elite firms and students desire.

**Eliminate the Big Five Policy.** If any of these courses should be prerequisites to other courses (or should be taken concurrently) the curriculum committee should make the appropriate recommendations.

**Professional Responsibility.** The Faculty should direct the Curriculum Committee to review the report of the Ad Hoc Committee on Professional Responsibility. Specifically, the Committee should consider the possibility of incorporating the necessary material with one or more existing courses, such as the legal writing and research program.

**Abolish the five-error rule.** Moot court graders should read briefs primarily to evaluate the substantive content, with much less emphasis on picky details.

**Liberalize the examination rescheduling policy.** No student should be required to take two examinations on the same day or three examinations in a three day period. Students should be granted special consideration in special circumstances.

**Open up the Faculty Process.** What does the faculty have to hide? Hastings should provide students more and better information about College policies in the early stages of consideration to allow effective student participation.

The dates and agendas of faculty meetings should be open to student observers, with only very narrow exceptions (eg, discussions of individual personnel matters).

## HASTINGS HISTORY

*continued from page 7*

ments, the legislature, and the judiciary. Some of them even became directors of Hastings itself, joining a board now totally dominated by college and university graduates.

This is not to say that the uniqueness of Hastings has been ignored. The author gives us an interesting and accurate portrait. His characterizations of founder Serranus Clinton Hastings, influential first professor John Norton Pomeroy, and Deans Charles William Slack, Edward Robeson Taylor, and David E. Snodgrass are particularly full and enlightening. The chapter on Hastings' famous "Sixty-five Club" admirably explains how and why the college anticipated by two or three decades the national questioning of compulsory retirement policies that squander seasoned wisdom and experience. Throughout the book one is also repeatedly reminded of the sometimes comic, sometimes exasperating, consequences of the college's imperfect affiliation with the University of California.

Professor Barnes, an historian and a legal scholar, was an excellent choice for writing the history of Hastings' first 100 years. Non-lawyers may occasionally be left at sea when the author's legal scholarship dominates, but perseverance will be rewarded.



## Widman Gets High Marks

By GRETCHEN BECK  
and JOHN LANDE

Course selection confusion has already begun for the 1979-80 year. Questions of what to take, who to take, what you must take and when exams are scheduled combine to form a fifty pound nebula in one's head. Looking at the course selection forms and instructions enhances the feeling that schooling is getting in the way of your education.

We offer some relief. More specifically, we recommend one excellent course—Professor Widman's Environmental Quality Law. The course is not only intellectually stimulating (a real plus) but also useful in the job market—in government, industry and non-profit organizations. You will learn about social, economic, political and technological realities of environmental protection and it will raise your consciousness, whether your sympathies are with conservationists or exploiters.

Indeed, the course may even stir your emotions. You may be uplifted by statements of great principles (e.g., Calvert Cliffs) or horrified by indiffer-

ence to nuclear safety (e.g. Vermont Yankee).

The course covers a broad range of topics, including the nature of environmental problems and relevant analytic techniques, the National Environmental Policy Act and its California counterpart, historic preservation, forest and public land management, and pollution control. The readings range from cases to statutes and regulations to legislative history, and even non-legal literature.

While the course materials are interesting, it is Professor Widman who adds the spice to the course. His recent experience as General Counsel for the Council on Environmental Quality provides the class with insight into the behind-the-scenes story of important legislation and adjudications. You will also appreciate his dry humor, frequent availability and tests lacking in trick questions.

Regardless of one's background or employment interests, Environmental Quality Law should be an enjoyable course (a contradiction in terms?) which could expand your professional horizons.

## Behind the Scenes

continued from page 7

confidence and the faith of the people in the morality and honesty of their government employees. The investigations which have been conducted to date...have only scratched the surface. For every case which is exposed, there are ten which are successfully covered up and even then this Administration will go down in history as the "scandal-a-day" Administration."

It is typical of the moral standards of the Administration that when they are caught red-handed with pay-off money in their bank accounts the best defense they can give is that they won the money in a poker game, a crap game, or by hitting the daily double

A new class of royalty has been created in the United States and its princes of privileges and payoffs include the racketeers who get concessions on their income tax cases, the insiders who get favorite treatment on government contracts, the influence peddlers with keys to the White House, the government employee who uses his position to feather his nest. The great tragedy, however, is not that corruption exists but that it is defended and condoned by the President and other high Administration officials. We have had corruption defended by those in high places. If they won't recognize or admit that corruption exists, how can we expect them to clean it up?"—Richard M. Nixon, November 13, 1951.

### Swan Song Blues

If there is one regret I have had with this column (except for the editing which among other things didn't include the famous picture of President Tappin that had evoked the comment "Best haircut Tappin ever had") it was the total absence of correspondence received at locker 1102—no libel suits addressed to "I Don't Mind the charges, so much as the Proof," no leads in the Nix-on imposter case addressed to "Sam Spade," no guesses on the number of bottles of beer consumed by the beloved Budget Committee addressed to "Happy Times (and Drunken Sots)," no guesses on who, in response to an inebriated Budget Committee member who was waving a bottle of beer saying "point of order, point of order" responded, "the pint is well taken" addressed to "Juicer," no reports on the suspicious cake eaten during Agnew Resignation Day addressed to "Spiro T. Agnew Day," no \$5.00 and requests for autographed copies of the Budget addressed to "Autographs." My own personal suspicion is that some \$450 notes intended for locker 1102 were diverted by either R.M. Nixon, S.T. Ag-

new, the Republican National Committee, or Sam. S. Stuffshirt acting either singly or in one monstrous conspiracy. Otherwise how does one explain the incidents? If you have any leads in to this matter, please unobtrusively deliver a note to "Behind Behind the Scenes," locker 1102.

As a final chance, and as a hint to one of the subtleties normally intended only for the serious reader of this column, send your guesses about the mystery of the opening lines of this column to "I am Not a Crook, but I will Resign Anyway" c/o Allen King locker 1102.

Incomplete reports have come down about certain Hastings students and their associates at an All You Can Drink place in Sausalito. The reports have it that All they could drink was More Than the place Could Afford and the juicers had to be expelled from the premises. The news goes on. Remember only about 176 days until Agnew Resignation Day.

Since we were unable to get Fred Friendly, the co-producer of the See It Now show, to speak at Hastings on March 9, I hope all you folks watched the March 18th edition of 60 Minutes. The segment about McCarthyism included the final comments by Edward R. Murrow on the famous March 9, 1954 See It Now show about the Senator from Wisconsin: "We will not be driven by fear into an age of unreason if we dig deep into our history and doctrine and remember that we are not descended from fearful men, not from men who feared to write, to speak, to associate, and to defend causes which were for the moment unpopular.

"This is no time for men who oppose Senator McCarthy's methods to keep silent. We can deny our heritage and our history, be we cannot escape responsibility for the result. There is no way for a citizen of a republic to abdicate his responsibilities. As a nation we have come into our full inheritance at a tender age. We proclaim ourselves, as indeed we are, the defenders of freedom—what's left of it—but we cannot defend freedom abroad by deserting it at home. The actions of the junior senator from Wisconsin have caused alarm and dismay amongst our allies abroad and given considerable comfort to our enemies. And whose fault is that?

"Not really his; he didn't create this situation of fear, he merely exploited it and rather successfully. Cassius was right. 'The fault, dear Brutus, is not in our stars but in ourselves.'"

From behind the scenes until next semester, I remain yours for the ipso fatso.



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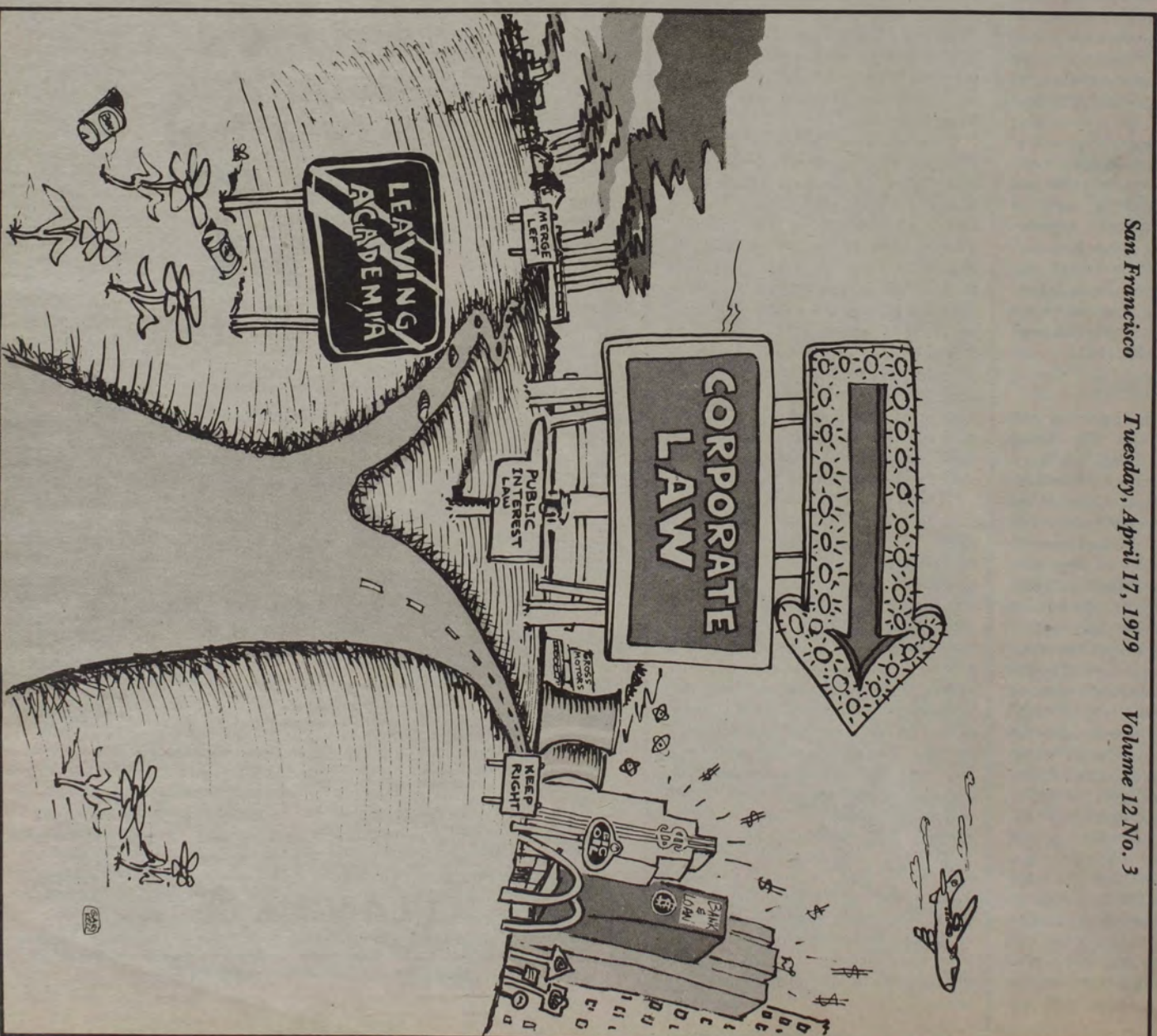
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# Hastings Law News

San Francisco Tuesday, April 17, 1979 Volume 12 No. 3



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